

**AMENDMENT TO THE DRAWINGS**

The attached Replacement Sheet of drawings includes changes to Figure

1.

Attachment: Replacement Sheet

**REMARKS**

Claims 1-24 and 28 are pending in the present application. Claims 25-27 were previously cancelled. In this response, claims 1 and 13 have been amended and claims 3, 15, and 28 cancelled. Support for the amendments is found, among other places, at page 5, lines 1-6 and page 6, line 1 of the specification as originally filed. No new matter is added. Accordingly, claims 1, 2, 4-14, 16, and 17-24 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

***Corrected Drawings***

Fig. 1 of the drawings has been amended to correct the placement of reference numeral 22 (ground). The support for this amendment is found at page 5, lines 1-3 of the specification as originally filed. There it is specifically described that the reference electrode 20 is tied to a ground 22 of the RF generator 12, i.e., on the primary side of the transformer. A replacement drawing sheet that reflects the correction is attached herewith in accordance with 37 C.F.R. §1.121(d).

***Claim Rejections – 35 USC § 112***

Claim 28 stands rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action states that the recitation of the ground reference of the tap and indifferent electrode connected to a ground reference on the primary side of the transformer is not described in the specification or referenced in the drawings. Although the rejection is rendered moot by the cancellation of claim 28, the subject matter of that claim has been included in claims 1 and 13. Thus, the rejection is addressed in the context of those claims.

Applicants disagree with this rejection. As mentioned above, the disclosure relating to the ground reference being on the primary side of the transformer is found at page 5, lines 1-3 of the specification. Fig. 1 has also been amended to show that the ground reference 22 is on the primary side of the transformer.

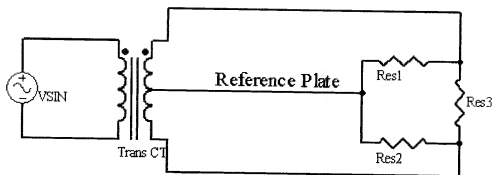
Accordingly, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

***Claim Rejections – 35 USC § 103***

A. Claims 1-9, 13-22, and 28 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. 5,892,667 to Glasband et al. (“Glasband”) in view of U.S. 5,620,481 to Desai et al. (“Desai”). The Office Action states that Glasband teaches the claimed system except for the ferrite core, radiofrequency energy, and an active electrode connected to the energy sources to apply energy to the site of application. However, the Office Action further states that use of a ferrite core is an obvious design choice since it is commonly used in radiofrequency devices. Additionally, the Office Action asserts that it would have been obvious to use the circuit of Glasband with a radiofrequency energy source and attached electrodes, as described by Desai, because Desai teaches that the use of multi-phase radiofrequency with an electrode array produces a multitude of current paths on the surface of the ablation zone as well as results in a uniform lesion.

Applicants disagree with this rejection. Claims 1 and 13 have been amended to recite that the ground reference is on the primary side of the transformer. As previously stated, support for this amendment is found at page 5, lines 1-3. Fig. 1 has also been amended accordingly. Glasband fails to teach, describe, or suggest a ground reference on the primary side of the transformer. Desai, which describes a multi-electrode catheter, does not cure this defect. Given that Glasband and Desai do not address the specific location of the ground reference, it cannot be said that their combination renders the instant claims obvious.

Furthermore, an ordinary artisan would have no reason to combine the disclosures of Glasband and Desai. To illustrate, a simplified circuit of the claimed system is shown in the schematic below.



In the schematic, Res1 refers to the impedance between a first active electrode and the patient's body via the indifferent or reference electrode, Res2 refers to the impedance created between the second active electrode and the patient's body via the indifferent or reference electrode, and Res3 refers to the impedance between the two active electrodes.

Based on the schematic, Applicants submit that one of ordinary skill in the art would know that the patient's body, itself, forms the load on the secondary side of the transformer of the present system as claimed. However, when the electrodes are brought into contact with tissue in the patient's body, there is no guarantee that Res1 and Res2 will be the same because the tissue-electrode contact of electrode 1 may differ from the tissue-electrode contact of electrode 2. Thus, an unbalanced load would normally result, which is accommodated by use of the reference backplate electrode being, effectively, connected to the load.

Glasband, as its title itself suggests, does not contemplate use of a system having unbalanced loads. To the contrary, as stated in the abstract of Glasband, symmetrical AC power applied to the load results in a reduction or elimination of reactive load currents, other power artifacts, EMI and RFI emissions, and other interference and noise components. This is achieved “by having equal, inversely phased signal elements, which cancel one another” (Applicants' emphasis). Thus, given that Glasband does not teach, describe, or suggest the use of a power system to be used with unbalanced loads, Applicants submit that it would be unreasonable for an ordinary artisan to combine Glasband with Desai to obtain the claimed RF system.

In view of the above, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

**B.** Claims 10-12 and 23-24 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Glasband and Desai, as applied to claims 9 and 22 above, and further in view of U.S. 6,497,704 B2 to Ein-Gal. The Office Action states that Glasband and Desai teach the system of claim 9, but not at least one of the electrodes having a helical tip. The Office Action further states that it would have been obvious to one having ordinary skill in the art to modify Glasband and Desai with a helical tip in view of the disclosure of Ein-Gal because Ein-Gal teaches that it is preferable to screw the electrode into a tissue.

Applicants disagree with this rejection. As discussed above, Glasband and Desai fail to disclose all claim elements. Specifically, the cited references fail to disclose a ground reference on the primary side of the transformer. Ein-Gal, which the Office adds for its description of helical electrode tips, also lacks disclosure of a ground reference on the primary side of the transformer. Given that Desai and Ein-Gal do not cure the defect in Glasband, the combination of cited references cannot render the instant claims obvious.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 559022001200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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